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RESPONSE UNDER 37 C.F.R. 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2667

MAY 2 2 2006

Attorney Docket No. 8194-479

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wail Refai et al. Serial No.: 09/754,490 Group Art Unit: 2667
Examiner: Blanche Wong

Filed: January 4, 2001

Confirmation No.: 2897
OFT HANDOFF AND OTHER DIVERSI

Title: SYSTEMS AND METHODS FOR SOFT HANDOFF AND OTHER DIVERSITY COMMUNICATION USING BASE STATIONS SUPPORTING COMMON RADIO

CONFIGURATIONS

Date: May 22, 2006

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated February 2, 2006, at least twice rejecting or finally rejecting Claims 1-3, 5-18 and 20-44. Enclosed is a check in the amount of \$ for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1). П Payment by credit card is requested. Form PTO-2038 is attached. 冈 A petition for an extension of time under 37 CFR § 1.136(a) is enclosed. \boxtimes Also enclosed: Amendment 冈 The Commissioner is authorized to charge the Appeal Fee as provided by 37 C.F.R. §41.20(b)(1) and any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0220.

Registration No. 40,723

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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 proMay 22, 2006.

PAGE 2/21* RCVD AT 5/22/2006 11:33:57 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/8 * DNIS:2738300 * CSID:919 854 1401 * DURATION (mm-ss):06-08

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Page 2

A check in the amount of the fee is enclosed.

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 \boxtimes Charge Deposit Account No. 50-0220 for the extension fee and any additional extension and/or fee required or credit for any excess fee paid.

Respectfully submitted,

Robert M. Meeks Registration No. 40,729

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